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9 *Lead Counsel for Direct Purchaser Class*

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12

13 IN RE CAPACITORS ANTITRUST LITIGATION
14 THIS DOCUMENT RELATES TO THE DIRECT
15 PURCHASER CLASS ACTION
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Master File No. 3:17-md-02801-JD
Civil Action No. 3:14-cv-03264-JD

**DIRECT PURCHASER CLASS'S
MOTION TO PARTIALLY EXCLUDE
PROPOSED EXPERT TESTIMONY OF
JANUSZ A. ORDOVER**

Hon. James Donato
Courtroom 11, 19th Floor
August 29, 2019
10:00 a.m.

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21 **“REDACTED VERSION OF DOCUMENT(S) SOUGHT TO BE SEALED”**
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TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

The Class moves pursuant to Fed. R. Evid. 702, Fed. R. Evid. 703 and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579, 589 (1993); *GE v. Joiner*, 522 U.S. 136, 146 (1997). Plaintiffs move on the grounds that the opinions at issue (1) contradict the facts admitted to by Nippon Chemi-Con when it entered into a guilty plea with the United States of America, and (2) are solely based on “facts” told to Ordovery by an attorney for Nippon Chemi-Con, “facts” which Ordovery is unable to recall or describe. Thus, these opinions are not only counterfactual, but they lack any basis.

This motion is based upon this Notice; the Memorandum of Points and Authorities in Support; the Declaration of Anupama K. Reddy, and any further papers filed in support of this motion as well as arguments of counsel and all records on file in this matter.

1 Dated: June 14, 2019

Respectfully Submitted,
JOSEPH SAVERI LAW FIRM, INC.

3 By: /s/ Steven N. Williams
4 Steven N. Williams

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